

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

Glenn Meyers,

Complainant,

vs.

ORDER OF DISMISSAL

Robert Brom and Rodney Unglesbee,

Respondents.

On April 11, 2006, Glenn Meyers filed a Complaint with the Office of Administrative Hearings alleging that Robert Brom and Rodney Unglesbee violated Minn. Stat. § 211B.04 by preparing and/or disseminating campaign material without a disclaimer in the form required by Minn. Stat. § 211B.04. After reviewing the Complaint and attached exhibit, the undersigned Administrative Law Judge determined that the Complaint set forth a prima facie violation of Minn. Stat. § 211B.04. By Order dated April 18, 2006, this matter was scheduled for a telephone prehearing conference on May 5, 2006, and an evidentiary hearing on June 2, 2006.

On April 26, 2006, the Minnesota Court of Appeals issued its decision in *Riley v. Jankowski*,^[1] holding that the disclaimer requirement of Minn. Stat.

§ 211B.04 violates the First Amendment of the U.S. Constitution by directly regulating the content of pure speech and that there is no way to narrowly construe the statute to avoid the constitutional violation. Because the Minnesota Court of Appeals has determined that Minn. Stat. § 211B.04 is unconstitutional on its face, the Complaint must be dismissed.

Based upon the opinion in *Riley v. Jankowski*, the Complaint, and for the reasons set out above,

IT IS ORDERED:

1. That the Complaint filed by Glenn Meyers against Robert Brom and Rodney Unglesbee is **DISMISSED**;
2. That the telephone prehearing conference scheduled for 10:00 a.m. on Friday, May 5, 2006, and the evidentiary hearing scheduled for June 2, 2006, are hereby cancelled; and
3. The file in this matter is now closed.

Dated: April 28, 2006

/s/ Kathleen D. Sheehy
KATHLEEN D. SHEEHY
Administrative Law Judge

NOTICE

Under Minn. Stat. § 211B.36, subd. 5, this Order is the final decision in this matter, and a party aggrieved by this decision may seek judicial review as provided in Minn. Stat. § § 14.63 to 14.69.

^[1] ____ N.W.2d ____, (Minn. App. 2006). This decision may be found on the website of the Minnesota Court of Appeals at www.courts.state.mn.us.